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C O N F I D E N T I A L THE HAGUE 001912

SIPDIS

E.O. 12958: DECL: 07/29/2014

TAGS: [PTER](#) [ETTC](#) [ECON](#) [EFIN](#) [NL](#)

SUBJECT: IRAQ INSURGENT FINANCE: FOLLOWING UP ON DUTCH VIEWS

REF: A) THE HAGUE 1837 B) STATE 153926

Classified By: CLASSIFIED BY A/DCM RICHARD HUFF.

REASONS 1.4 (B) AND (D)

1. (C) As a follow up to initial GONL views reported in ref A, Wouter Jurgens, Senior Policy Advisor in the MFA's Political Affairs Department, provided econoff with reactions from the MFA's legal department to ref B talking points. Jurgens reiterated that the GONL remains interested in working with the U.S. on any initiatives that would help to protect allied forces in Iraq. While noting the USG argument that the measures proposed in ref B could address a gap in current UN mechanisms by targeting individuals or groups that fund attacks on troops in Iraq (and not civilians and/or civilian targets), Jurgens said the MFA's legal department had argued that actions against such individuals or groups could be addressed under UNSCR 1267 or 1373. The MFA's legal department, according to Jurgens, had argued that without a universally accepted definition of "terrorist," action could be taken against such individuals or groups under existing UN mechanisms.

2. (C) Nonetheless, Jurgens said the MFA's legal department would be willing to explore the issue further if the U.S. decided to take further action on a executive order. National legislation on "Sanction Provision for the Duty to Report on Terrorism," enacted in 2002, provides authority to the Netherlands to identify, freeze, and seize terrorist finance assets. However, burden of proof under these measures, Jurgens explained, is difficult, while action under UNSCR 1267 is obligatory.
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